IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Bail Appl..No. 1504 of 2007()

CC.296/2004 of J.M.F.C.-I,PALAKKAD
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PETITIONERS
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1. SIDDIQUE, S/O.ABOOBACKER, AGED 36 YEARS,
THALAPPOOYIL HOUSE, KODUVALLI P.O.,
CALICUT DISTRICT.

2. RIYAS, S/O.MOHAMMED,
AGED 23 YEARS, NELLIKKUNNUMEL HOUSE,
KODUVALLI P.O., CALICUT.

BY ADV. SRI.K.ANAND
SRI.BENNY ANTONY PAREL

RESPONDENTS: STATE
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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSEPCTOR OF POLICE,
WAKAYAR POLICE STATION,
WALAYAR.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1504/2007

Dated this 13th day of March, 2007

O R D E R

The petitioners, who are accused Nos.2 and 3 in C.C.No.296/2004 on the file of the J.F.C.M-I, Palakkad for offfences punishable under Sections 420 and 468 IPC read with Section 34 IPC, seek anticipatory bail.

2. According to the petitioners, the trial of the case is over and the case stands posted for judgment. Consequent on the non appearance of the petitioners on three of the dates on which the case stood posted for judgment, the J.F.C.M-I, Palakkad has issued non bailable warrants of arrest against the petitioners.

3. Anticipatory bail cannot be granted to nullify the process issued by a Court of competent jurisdiction. There is no reason why the petitioners should not surrender before the Magistrate and seek regular bail.

4. Accordingly, if the petitioners surrender before the Magistrate and file applications for regular bail within two

weeks from today, the same shall be considered and disposed of, preferably on the same day on which the applications are filed, after examining the explanation offered by the petitioners for their previous non appearance.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs